

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN D. NELSON, and ALLISON M.
NELSON,

Plaintiffs,

v.

CHASE HOME FINANCE LLC, et al.,

Defendants.

No. 12-cv-5624-RBL

ORDER

(Dkts. #10, 13)

The Court has reviewed Defendants' unopposed motions to dismiss, the pleadings, and the remaining docket. The motions are granted for the reasons stated in the briefing.

Leave to amend shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). "If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits." *Foman v. Davis*, 371 U.S. 178, 182 (1962). On a 12(b)(6) motion, "a district court should grant leave to amend even if no request to amend the pleading was made, unless it determines that the pleading could not possibly be cured by the allegation of other facts." *Cook, Perkiss & Liehe v. N. Cal. Collection Serv.*, 911 F.2d 242, 247 (9th Cir. 1990). However, where the facts are not in dispute, and the

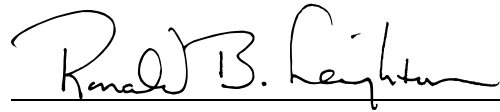
1 sole issue is whether there is liability as a matter of substantive law, the court may deny leave to
2 amend. *Albrecht v. Lund*, 845 F.2d 193, 195–96 (9th Cir. 1988).

3 Neither the facts nor the law are in dispute; thus, the Court denies leave to amend.

4 **CONCLUSION**

5 For the reasons stated above, the motions to dismiss (Dkts. #10, 13) are **GRANTED** and
6 the case is **DISMISSED** with prejudice.

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8 Dated this 6th day of September 2012.

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11 Ronald B. Leighton
12 United States District Judge
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